

**REMARKS**

In the Office Action, The Examiner objected to Claims 6 and 7 were objected for antecedence formalities. The Examiner objected to Claim 12 for the inappropriate use of the wording “and/or”. The Examiner rejected Claims 10 – 14 pursuant to 35 U.S.C. §112, second paragraph, as indefinite and incomplete. Claims 1 – 4 and 6 – 14 were rejected pursuant to 35 U.S.C. §102(b) as being anticipated by Riehm (U.S. Patent No. 5,647,682). Claims 1, 3, and 5 were rejected pursuant to 35 U.S.C. §102(b) as being anticipated by Daniels (U.S. Patent No. 4,305,442)

Claims 1, 2, 6, 7, 12, and 13 have been amended. Claim 15 has been added. Applicant respectfully requests reconsideration of the rejections of Claims 1 – 14.

In regard to the objections of Claims 6 and 7, appropriate correction has been taken by deleting the word “a” from both of these claims.

In regard to the objection of Claim 12, Applicant has amended by substituting the wording “and/or” with the wording “or.”

Accordingly, Applicant respectfully requests that these claim objections be withdrawn.

In regard to the rejections of Claims 10 – 14 pursuant to 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as his invention, Applicant has amended Claim 10 and 11 to render them dependent upon Claims 9 and 8 respectively, instead of Claims 6 and 7. Proper antecedent basis is thus provided.

In regard to the rejections of Claims 10 – 14 pursuant to 35 U.S.C. §112, second paragraph, as being incomplete for omitting the necessary structural cooperative relationships of elements, Claims 10 – 14 have been appropriately amended.

Accordingly, Applicant respectfully requests that these claim rejections be withdrawn.

In regard to the rejections of Claims 1 – 4 and 6 – 14 pursuant to 35 U.S.C. §102(b) as being anticipated by Riehm (U.S. Patent No. 5,647,682), Applicant respectfully traverse these

rejections. Claim 1 has been amended to clarify the invention and remove any ambiguities that may have been the basis for these rejections.

Amended Claim 1 is directed to a fastening device having a horizontally extending recess, and a bracket adaptively shaped to engage with the recess. Moreover, the bracket is insertable into the recess in a substantially traversal direction to the longitudinal extent of the recess with minimal resistance to automatically establish a force-fitting engagement.

Applicant submits that Riehm fails to teach or suggest this automatic fitting arrangement between the bracket and the recess. Therefore, Claim 1 is patentable over Riehm.

Riehm discloses a connection between two bars, namely 2a and 2b, see Figs. 1- 3. To connect the bar 2a to the bar 2b extending at right angles thereto, a connector 3 is first inserted into a front-side hollow space 17 of the bar 2a. A lever 8d integral to the connector 3 is pivoted out away from the bar 2a. The end of bar 2a is then spaced from the side of bar 2b by a connection distance equal to the distance between shoulders 9e and 9b. Locking cams 10a and 10b are then completely recessed in a groove 5 of the bar 2a, and teeth 10d made in one piece engage flutes 6 on the bottom 5a of the groove 5. The lever 8d is subsequently pivoted in the direction of arrow 15 until it is recessed in a groove 5 and does not project to the side. Legs 7a and 7b as well as the locking cams 10a and 10b are expanded during this rotary movement, and they are tensioned in the process against the inside of the hollow space 17 and of the groove 5, respectively. (See column 3, lines 38 – 66). Hence, Riehm requires a lever mechanism to produce a force-fitting engagement between the two bars 2a and 2b. Thus, Riehm fails to teach or suggest the claimed automatic fitting arrangement between the bracket and the recess.

In regard to Claim 2, Applicant submit that Claim 2 is also not anticipated by Riehm, as the claimed automatic force-fitting engagement between the bracket and the recess is established without recourse to the lever taught by Riehm.

In regard to Claims 3 – 4 and 6 – 14, dependent directly or indirectly on Claim 1 or Claim 2, Claims 3 – 4 and 6 – 14 are also allowable for at least the same reasons.

In regard to the rejections of Claims 1, 3, and 5 pursuant to 35 U.S.C. §102(b) as being anticipated by Daniels (U.S. Patent No. 4,305,442), Applicant respectfully traverse these rejections.

Amended Claim 1 recites that the bracket is inserted into the recess in a substantially traversal direction to the longitudinal extent of the recess with minimal frictional resistance to automatically establish a form-fitting engagement. That is, the bracket can be inserted into the recess without applying a pushing force to overcome an insertion resistance.

Applicant submits that Daniels fails to teach or suggest this minimal frictional resistance encountered during the bracket insertion into the recess. Therefore, Claim 1 is patentable over Daniels.

Daniels discloses a panel or modular element 20 to be constructed into a rectangular or square column or part of a wall. The modular element 20 comprises male and female members, such that a pair of male and female members 30, 50 from adjacent modular elements can be joined.

The male member 30, shaped like a finger, includes a distal end 44. A camming surface 46 extends from this distal end 44 at an angle A3 which diverges from a longitudinal axis of the male member 30. Moreover, a latching surface 48 extends from the camming surface 46 at an angle A4 with respect to the longitudinal axis of the male member 30.

The female member 50 is a U-shaped recess which includes a leg that has a portion 66 which diverges at an angle A6 from a longitudinal axis of the recess. This leg further includes a latching portion 68 which extends transverse to the leg portion 66 into the recess. The bend or angled portion 66 forms a living hinge with a recess base 64. The living hinge allows the angled portion 66 and the latching portion 68 to flex.

During the mating process of the male member 30 with the female member 50, the female member latching portion 68 flexes while riding along the camming surface 46 of the male member 30. Such flexing of the latching portion 68 produces a pressuring force on the camming surface 46 that is equal and directionally opposite to a force required to flex the latching portion 68. This produced pressuring force in turn produces an insertion resistance

between the latching portion 68 and the camming surface 46. Thus, the mating process of the male member 30 with the female member 50 requires a pushing force to overcome the insertion resistance. Hence, Daniels fails to teach or suggest the minimal frictional resistance encountered during the insertion of the bracket into the recess.

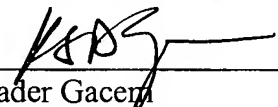
Based on the discussion above, Claim 1, as well as dependent Claims 3 and 5, are allowable over Daniels.

In regard to the newly added dependent Claim 15, Applicant submits Claim 15 is allowable as both Riehm and Daniels fail to teach or suggest an insertion of the bracket into the recess occurs without encountering a mechanical resistance.

### CONCLUSION

Applicant respectfully submits that all of the pending Claims 1 – 15 are in condition for allowance and seeks early allowance thereof. If for any reason, the Examiner is unable to allow the application but believes that an interview would be helpful to resolve any issues, he is respectfully requested to call the undersigned at (312) 321-7738.

Respectfully submitted,

  
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